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CONFIRMATION ☒

TO: Central Fax Delivery	COMPANY: U.S. PATENT & TRADEMARK OFFICE
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From: Randall L. Shoemaker

Date: January 24, 2007

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Total Number of Pages Including Cover Sheet: 9

Message:

**JAN 24 2007**

**RE: Application No.: 10/698,799 - Filing Date: October 31, 2003**  
**Applicant: Pradip K. Roy et al.**  
**Group Art Unit: 1761**  
**Examiner: Milton Cano**  
**Title: Aerated Confection Containing High Levels Of Fruit Solids And Method Of Making Same**  
**Attorney Docket: 675000-658**

Transmitted herewith are the following documents:

- 1) Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address (1 page);
- 2) Statement Under 37 CFR 3.73(b) (1 page); and
- 3) Copy of Recorded Assignment (6 pages).

If you have not received the total number of pages, please call the facsimile department at (248) 646-4300. *Thank you.*

**IMPORTANT** – This message is intended solely to be used by the individual or entity to which it is addressed. It may contain information which is privileged, confidential and otherwise exempt by law from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to its intended recipient, you are herewith notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone immediately and return this communication to us at the above address via the United States Postal Service. *Thank you.*

<b>Client Name:</b> Kellogg Company	<b>OFFICE CODE</b>
<b>Client/Matter Number:</b> 675000-658	<b>Matter Name:</b>
<b>Attorney Number:</b> [1179]	<b>Attorney Initials:</b> RLS
<b>Secretary/Ext.:</b> Christy Taylor/7545	<b>No. of Pages:</b> 9
	<b>Amount:</b>

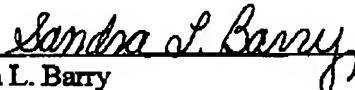
Attorney Docket No. 67500-658

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**CERTIFICATE OF MAILING**

I hereby certify that the enclosed Recordation Form Cover Sheet, Assignment and Fee is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as first-class mail, postage prepaid, and addressed to Mail Stop Assignment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 5, 2004.

  
Sandra L. Barry

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PTO/SB/82 (01-06)

Approved for use through 12/31/2008. OMB 0651-0035

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/698,799
Filing Date	October 31, 2003
First Named Inventor	Pradip K. Roy
Art Unit	1761
Examiner Name	Milton Cano
Attorney Docket Number	675000-658

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I hereby revoke all previous powers of attorney given in the above-identified application:

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

59582

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with  
Customer Number:

59582

OR

☐ Firm or  
Individual Name

Address

City

State

ZIP

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature

Name

Randall L. Shoemaker

Date

January 24, 2007

Telephone

248-433-7383

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Pradip K. Roy et al.Application No./Patent No.: 10/698,799Filed/Issue Date: October 31, 2003Entitled: Aerated Confection Containing Particulate Material And Method of Making SameKellogg Company, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at 014959, Frame 0956, or a true copy of the original is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

January 24, 2007

Date

Randall L. Shoemaker, Reg. No. 43,118

Printed or Typed Name

248-433-7383

Telephone number

Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



60500-658

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUGUST 07, 2004

PTAS

HOWARD & HOWARD ATTORNEYS, P.C.  
RANDALL L. SHOEMAKER  
39400 WOODWARD AVENUE, SUITE 101  
BLOOMFIELD HILLS, MI 48304-5151



\*102667174A\*



**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/09/2004

REEL/FRAME: 014959/0956  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
ROY, PRADIP

DOC DATE: 11/24/2003

ASSIGNOR:  
OKOS, EMERY

DOC DATE: 11/24/2003

ASSIGNEE:  
KELLOGG COMPANY  
ONE KELLOGG SQUARE, P.C. BOX 3599  
BATTLE CREEK, MICHIGAN 49016-3599

SERIAL NUMBER: 10698799 ✓  
PATENT NUMBER:

FILING DATE: 10/31/2003 ✓  
ISSUE DATE:

TITLE: AERATED CONFECTION CONTAINING HIGH LEVELS OF FRUIT SOLIDS AND  
METHOD OF MAKING SAME

Scanned &  
linked to  
works page  
1/24/04

014959/0956 PAGE 2

LENELL MACKALL, SUPERVISOR  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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## INCLUDED PAGE 2 FOR CERTIFICATE OF MAILING

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(Rev. 6/93)  
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02-11-2004

JAN 24 2007 U. S. Dept. of Commerce  
Patent and Trademark Office

To the Hono

Please record as

102667174

is:

eof

1. Name of Conveying Party(ies): 2-9-04  
ROY, Pradip, OKOS, Emery  
 Additional name(s) of conveying party(ies) attached?  
 \_\_\_ Yes \_\_\_ No X

2. Name and address of receiving party(ies)

Name: Kellogg Company  
 Internal Address: \_\_\_\_\_  
 Street Address: One Kellogg Square, P.O. Box 3599  
 City: Battle Creek State: Michigan Zip: 49016-3599

Additional name(s) & address(es) attached: \_\_\_ Yes X No

3. Nature of conveyance:

X Assignment \_\_\_ Merger  
 \_\_\_ Security Agt. \_\_\_ Change of Name  
 \_\_\_ Other \_\_\_\_\_

Execution Date: November 24<sup>th</sup>, 2003

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date is:

A. Patent Application No(s) 10/698,799 B. Patent No(s) \_\_\_\_\_  
 Additional numbers attached: \_\_\_ Yes X No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Randall L. Shoemaker

Internal Address: Howard & Howard Attorneys, P.C.  
 Street Address: 39400 Woodward Avenue, Suite 101  
 City: Bloomfield Hills State: Michigan Zip: 48304-5151

6. Total no. of applications and patents involved One

7. Total fee (37 CFR 3.41) ..... \$40.00

X Enclosed  
 \_\_\_\_\_ Authorized to be charged to deposit account

8. Deposit account number:

08-2789

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature. *To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Randall L. Shoemaker, Reg. No. 43,118  
 Name of Person Signing

[Signature]  
 Signature

Date

February 5, 2004

Total number of pages including cover sheet, attachments and document: 4

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JAN 24 2007

Docket No. 67,500-658

ASSIGNMENT  
(Joint Inventors)

WHEREAS, we, Pradip Roy and Emery Okos, (hereinafter referred to as Assignors), residing respectively at 3445 Brookpoint S.E., Grand Rapids, Michigan 49546 and 40 South Santalina Trail, Battle Creek, Michigan 49014, have invented new and useful improvements in:

AERATED CONFECTION CONTAINING HIGH LEVELS  
OF FRUIT SOLIDS AND METHOD OF MAKING SAME

which is set forth in a utility patent application in the United States executed on October 31, 2003 and assigned Serial No. 10/698,799:

AND WHEREAS, Kellogg Company, (hereinafter referred to as Assignee), of One Kellogg Square, P.O. Box 3599, Battle Creek, Michigan 49016-3599, is desirous of acquiring the entire right, title and interest in and to said invention and said Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, be it known by all whom it may concern, that for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Assignors have assigned, sold and set over, and by these presents assign, sell and set over unto the Assignee, its successors, legal representatives and assigns, for the territory of the United States of America and all foreign countries, the entire right, title and interest in and to said invention, said application for Letters Patent, including the right to file foreign patent applications corresponding to said application, and the right to claim the priority date of said United States patent application and any legal equivalents thereof, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and to any and all divisions, continuations, and continuations-in-part of said application, or re-issues or extensions of said Letters Patent or Patents prepared and executed by Assignors on even date herewith, the same to be held and enjoyed by the Assignee, as fully and entirely as the same would have been held by the Assignors had this Assignment and sale not been made.

AND the Assignors hereby covenant and agree that the Assignors will at any time upon the request and at the expense of the Assignee execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention and to obtain Letters Patent therefor, and the Assignors hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the said Assignee in accordance with this Agreement.



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Docket No. 67,500-658

IN TESTIMONY WHEREOF, I hereunto set my hand at Battle Creek, in  
the State of Michigan, this 24<sup>th</sup> day of November, 2003.

Pradip Roy  
Pradip ROY

STATE OF MICHIGAN )  
COUNTY OF CALHOUN )

Before me personally appeared said Pradip Roy, and acknowledged the foregoing  
instrument to be his own free act and deed, this 24<sup>th</sup> day of November, 2003.

GINGER R.C. KAMPS  
Notary Public GINGER R.C. KAMPS  
Notary Public, Calhoun County, MI  
My Commission Expires October 23, 2007

IN TESTIMONY WHEREOF, I hereunto set my hand at Battle Creek, in  
the State of Michigan, this 24<sup>th</sup> day of November, 2003.

Emery OKOS  
Emery OKOS

STATE OF MICHIGAN )  
COUNTY OF CALHOUN )

Before me personally appeared said Emery <sup>OKOS</sup> Roy, and acknowledged the foregoing  
instrument to be his own free act and deed, this 24<sup>th</sup> day of November, 2003.

GINGER R.C. KAMPS  
Notary Public GINGER R.C. KAMPS  
Notary Public, Calhoun County, MI  
My Commission Expires October 23, 2007

Please address all correspondence and telephone calls and, upon recordation, please  
return this document to:

RANDALL L. SHOEMAKER, ESQ.  
HOWARD & HOWARD ATTORNEYS, P.C.  
39400 Woodward Avenue, Suite 101  
Bloomfield Hills, Michigan 48304-5151  
(248) 723-0425

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